

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN KAMEDULA,

Plaintiff,

vs.
TODD DIXON, *et al.*,

Defendants.

3:10-cv-00749-ECR-VPC

This is a prisoner action brought pursuant to 42 U.S.C. § 1983. On May 24, 2011, this court dismissed this action for failure to state a claim for which relief may be granted (docket #19), and judgment was entered (docket #20). Plaintiff filed a notice of appeal on May 31, 2011 (docket #6).

On June 7, 2011, the Ninth Circuit Court of Appeals referred this matter to this court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal or whether the appeal is frivolous or taken in bad faith (docket #24). Accordingly, this court certifies that any *in forma pauperis* appeal from its Order would not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3). *See Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977) (indigent appellant is permitted to proceed *in forma pauperis* on appeal only if appeal would not be frivolous).

1 **IT IS THEREFORE ORDERED** that this court **CERTIFIES** that any *in forma*
2 *pauperis* appeal from its Order dated May 24, 2011 (docket #19) would not be taken “in good faith”
3 pursuant to 28 U.S.C. § 1915(a)(3).
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6 DATED this 8th day of June 2011.
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10 UNITED STATES DISTRICT JUDGE
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